

AN ORDINANCE BY

08-O-\_\_\_\_\_

FINANCE/ EXECUTIVE COMMITTEE

**AN ORDINANCE TO ESTABLISH A SET ASIDE OF 1.5% OF CAPITAL PROJECT BUDGETS FOR PUBLIC ART; AND FOR OTHER PURPOSES**

**WHEREAS**, City Council of the City of Atlanta adopted and the Mayor approved Sections 46-76 *et seq.* of the Atlanta Code of Ordinances (“Public Art Code Sections”) which established a program for the funding of public art in the City of Atlanta (the “City”); and

**WHEREAS**, the Mayor issued Administrative Order 2005-1 (“Administrative Order”) directing, among other things, City departments administering capital projects to adhere to the requirement that 1.5% of construction costs of certain projects be set aside for public art; and

**WHEREAS**, many Departments administering capital projects have had difficulty complying with the Public Art Code Sections and Administrative Order; and

**WHEREAS**, the Mayor and the Department of Parks, Recreation and Cultural Affairs have requested that more clarity be provided to City departments so as to increase compliance with the public art program; and

**WHEREAS**, it is the desire of the City to enhance compliance with the Public Art Ordinance.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:**

**Section 1:** That Section 46-76 of the Code of Ordinances of the City of Atlanta is hereby deleted in its entirety and replaced with the following:

**Definitions.**

Public Art shall mean a work of visual art or an artistically designed feature created by an individual professionally engaged in the production of creative and original artwork that enhances the aesthetics of a Capital Project.

Capital Project shall mean 1) the construction or remodeling of buildings, commemorative structures or parking facilities; 2) street improvements (excluding street repair or reconstruction); or 3) streetscape improvements.

Public Art Set Aside shall mean 1.5% of the Eligible Funds of construction costs for Capital Projects.

Eligible Funds shall include 1) non-restricted grant funds, 2) general obligation bond proceeds, 3) general funding made available for capital projects, 4) certain revenue bond proceeds, and 5) other funds budgeted for Capital Projects. The following are not included in the definition of Eligible Funds: 1) bond proceeds for Watershed projects as long as the Consent Decree entered in Civil Action No. 1:95-CV-2550-TWT (U.S. District Court, Northern District of Georgia), and the First Amended Consent Decree entered in Civil Action No. 1:98-CV-1956-TWT (U.S. District Court, Northern District of Georgia), 2) bond proceeds for projects at Hartsfield-Jackson Atlanta International Airport, or 3) any funds restricted in their use by any applicable law, bond covenant, or by the terms of the subject grant.

Maintenance shall include the cleaning, repair and restoration of public art to ensure the longevity and durability of the public art. Maintenance costs shall be funded from .5% of the Public Art Set Aside.

Municipal Art Account means an account created for the purpose of housing funds of the Public Art Set Aside. The Municipal Art Account shall be managed by the Department of Finance.

Municipal Art Plan means an annual plan developed and administered by the Department of Parks, Recreation and Cultural Affairs for the aesthetic enhancement of all capital construction projects paid for by Public Art funds.

Public Art Advisory Committee shall mean a committee of citizens that shall advise the City of Atlanta in the procurement or incorporation of Public Art.

**Section 2:** That Section 46-77 of the Code of Ordinances of the City of Atlanta is hereby deleted in its entirety and replaced with the following:

**Purpose of the Public Art Program.**

The purpose of the Public Art program is to enhance the physical and cultural amenities of the City by responding to the unique needs of each project, its architecture, site opportunities, constituent needs and historical and social context. The City's Public Art Master Plan shall guide the development, administration and maintenance of public art.

**Section 3:** That Section 46-78 of the Code of Ordinances of the City of Atlanta which reads:

Funds for works of art

All request for appropriations for construction projects from eligible funds as defined in section 46-76 shall include the budget of an amount equal to one and one-half percent of the estimated cost of such projects for public works of art and shall be accompanied by contractual requirements authorizing the Office of Cultural Affairs to expend such funds after the same have been deposited in a municipal arts account. When any such request for construction projects is approved, the appropriation for such construction projects shall be made and shall include an appropriation of funds for works of art, at the rate of one and one-half percent of project costs to be deposited into the municipal arts account as a line item in each fund. Money identified by each bureau, or agency for its public art percentage program shall be expended for payees as prescribed by the municipal arts plan, as provided in section 46-79(2).

Is hereby amended to read as follows:

#### **Funds Available for Public Art**

To the extent permitted by law, the Public Art Set Aside shall be devoted to the procurement and maintenance of Public Art incorporated into Capital Projects. All requests for legislation for Capital Projects from Eligible Funds shall include the anticipation of an amount equal to the Public Art Set Aside of 1.5% of eligible funds, and appropriated temporarily to a reserve account and then to identified projects for implementation. An award will be established that will fund allowable art projects established as either stand alone projects or tasks within specifically identified projects where the funding is restricted.

In addition this shall be accompanied by a contractual agreement with funded agency authorizing the Office of Cultural Affairs to manage the public art project.

Money appropriated for Public Art shall only be expended as prescribed by the City's Public Art Master Plan. The Chief Financial Officer shall provide an annual report on the funding of municipal art accounts to the Mayor and City Council within ninety (90) days of the end of each fiscal year.

**Section 4:** That all ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent of such conflict.

**Part II: Legislative White Paper:**

**A. To be completed by Legislative Counsel:**

**Committee of Purview: Finance/Executive**

**Caption: AN ORDINANCE BY FINANCE/EXECUTIVE COMMITTEE TO ESTABLISH A SET ASIDE OF 1.5% OF CAPITAL PROJECT BUDGETS FOR PUBLIC ART; AND FOR OTHER PURPOSES.**

**Council Meeting Date: October 20, 2008**

**Requesting Dept.: Parks, Recreation and Cultural Affairs**

**B. To be completed by the department:**

**1. Please provide a summary of the purpose of this legislation (Justification Statement).**

The purpose of this legislation is to authorize and Ordinance for the purpose of providing clarity to City of Atlanta Departments on adherence to the requirement that 1.5% of construction costs of certain projects be set aside for public art so as to increase compliance with the public art program

**2. Please provide background information regarding this legislation.**

The Public Art program was established by the City of Atlanta and the Public Art Ordinance has been in effect for 30 years to enhance the physical and cultural amenities of the City of Atlanta by responding to the unique needs of each project, its architecture, site opportunities, constituent needs and historical and social context. The utilization of professional artist increases the creative output and artistic vitality of the built place and heightens the visual presence of the specific municipal project.

**3. If Applicable/Known:**

**(a) Contract Type:**

**(b) Source Selection:**

**(c) Bids/Proposals Due:**

- (d)     **Invitations Issued:**
- (e)     **Number of Bids:**
- (f)     **Proposals Received:**
- (g)     **Bidders/Proponents:**
- (h)     **Term of Contract:**

**4. Fund Account Center:**

**5. Source of Funds:**

**6. Fiscal Impact:**

**7. Method of Cost Recovery:**

**This Legislative Request Form Was Prepared By:** Eddie Granderson, Office of Cultural Affairs and Debra F. Harris, M.A., Departmental Contracting Officer/Legislative Liaison, Department of Parks, Recreation and Cultural Affairs.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Debra F. Harris

Contact Number: (404) 817-6795

Originating Department: Department of Parks, Recreation and Cultural Affairs

Committee(s) of Purview: Finance/Executive Committee

Chief of Staff Deadline: September 17, 2008

Anticipated Committee Meeting Date(s): October 1, 2008 and October 15, 2008

Anticipated Full Council Date: October 20, 2008

Legislative Counsel's Signature: Simone D. Brathwaite

Commissioner Signature: [Signature]

Chief Procurement Officer Signature: \_\_\_\_\_

**CAPTION**

**AN ORDINANCE BY FINANCE/EXECUTIVE COMMITTEE TO ESTABLISH A SET ASIDE OF 1.5% OF CAPITAL PROJECT BUDGETS FOR PUBLIC ART; AND FOR OTHER PURPOSES.**

FINANCIAL IMPACT (if any)  
Mayor's Staff Only

Received by CPO: \_\_\_\_\_ Received by LC from CPO: \_\_\_\_\_  
(date) 9.15.08 DP (date) Received  
by Mayor's Office: \_\_\_\_\_ Reviewed by: \_\_\_\_\_  
(date) (date)  
Submitted to Council: \_\_\_\_\_  
(date)

RCS# 2453  
10/06/08  
2:55 PM

Atlanta City Council

REGULAR SESSION

CONSENT II

REFER

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 2

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Hall	Y Fauver	B Martin	Y Norwood
Y Young	Y Shook	Y Maddox	B Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

CONSENT II